

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

District of New Mexico

JUN 09 2017

United States of America

v.

Edward A. Garcia

Year of birth 1966

Case No. 17mj1444

MATTHEW J. DYKMAN
CLERK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 6, 2017 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

Title 18 U.S.C. 1152

Title 18 U.S.C. 113(a)(3)

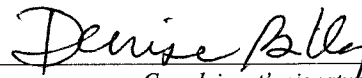
Title 18 U.S.C. 113(a)(4)

Assault with a dangerous weapon

Assault by Striking, Beating or wounding

This criminal complaint is based on these facts:

See attached affidavit

☐ Continued on the attached sheet.

Complainant's signature

Denise Billy, Detective Sergeant

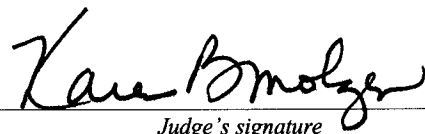
Printed name and title

Sworn to before me and signed in my presence.

Date:

June 9, 2017

City and state:

Albuquerque, New Mexico

Judge's signature

KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE

Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)
)
 VS)
)
EDWARD A. GARCIA (YOB 1966)

AFFIDAVIT

I, the undersigned, being duly sworn, depose and states as follows:

1). I am a Criminal Investigator (CI) for the Pueblo of Isleta Police Department, I have served in the capacity of a Police Officer and a Criminal Investigator with the Navajo Department of Law Enforcement for seventeen (17) years, and currently I am a full time salaried Criminal Investigator of the Isleta Police Department and have been so employed from August 2015 to present. Affiant further states that she has primary investigative responsibilities pertaining to crimes on the Pueblo of Isleta Reservations. The information set forth in this affidavit has been derived from my own investigation, communicated to me by other sworn law enforcement officers and other reliable sources.

2). On Wednesday June 7, 2017, your affiant was notified of a report of an assault on an Isleta Tribal member T.Z. (YOB: 1967) hereinafter JANE DOE by her boyfriend Edward A. Garcia (YOB: 1966), hereinafter GARCIA a non-Indian male which

occurred on June 6, 2017 at JANE DOE'S home located at #26 Tribal Road 76 which is within the exterior boundaries of the Pueblo of Isleta.

3). JANE DOE said she has known GARCIA since February 2017 and has been in an intimate relationship with GARCIA. JANE DOE stated GARCIA has moved into her house located at #26 Tribal Road 76.

4). Isleta Police Officer Montano made contact with JANE DOE and discovered JANE DOE had an indentation bite mark on the left corner of her lip, cheek and chin area. JANE DOE stated she came home to lip stick writing on her mirror saying "Fuck you babe" and a drawing of a handgun next to it, JANE DOE confronted GARCIA about the markings and a verbal argument ensued.

5). GARCIA followed JANE DOE into the bathroom where the verbal argument continued. GARCIA came up close to JANE DOE and bit her near the mouth. JANE DOE told GARCIA to leave her house and that police would be called. JANE DOE said her pain level was at a 10 on a pain scale of 1-10 with 10 being the most painful, when GARCIA bit her. JANE DOE said she knew that she needed to get out of the bathroom because he would harm her if she stayed in the bathroom.

6). JANE DOE walked out the front door and yelled out for her brother C.M. C.M. walked to JANE DOE'S house and helped GARCIA take a Harley Davidson off a flatbed trailer. GARCIA then told JANE DOE not to call the police and left on the motorcycle.

7). Throughout the night and into the next day, June 7, 2017 (Wednesday) GARCIA has continued to text JANE DOE saying, "I am going to blow your brains out and then mine" GARCIA sent a picture of a rifle to JANE DOE'S phone. JANE DOE received multiple text messages from GARCIA indicating he would

set her house on fire and that "It is not over". JANE DOE said she is in fear for her life that GARCIA will harm her.

8). On June 7, 2017 JANE DOE went to the Isleta Health Clinic to get her injury treated. JANE DOE said there was still a slight indentation of where GARCIA bit her and the area is tender to the touch.

9). JANE DOE returned home and a silver sedan drove up to her house. JANE DOE noticed GARCIA get out of the front passenger door. GARCIA immediately started yelling at JANE DOE, "You fucking bitch! what are you doing in my truck!" "I'm going to kill you bitch!"

10). JANE DOE said she jumped off the tailgate to GARCIA's truck and she ran around a car parked next to the truck and GARCIA was on the opposite side of the car creating distance from GARCIA. JANE DOE said GARCIA was calling her names and she just wanted to get into her house.

11). JANE DOE ran toward the house and GARCIA started running after her. JANE DOE said as she was running she glanced back and noticed GARCIA had a sledge hammer in his hand. JANE DOE said GARCIA threw the sledge hammer toward JANE DOE but missed her. JANE DOE said she ran up to her truck and slid on the loose gravel, at this point, GARCIA caught up with JANE DOE and GARCIA hit JANE DOE on the right side of her face near her cheek and eye area with his hand. JANE DOE said she fell to the ground and thought "This is it" and believed GARCIA would harm her. JANE DOE said she knew that GARCIA was yelling at her but she was in fear for her life that she could not remember what GARCIA was saying.

12). The unidentified driver of the silver sedan drove back around and GARCIA got into the car. JANE DOE said she was going to throw the sledge hammer at the car but GARCIA got out again and JANE DOE started running toward the front door of

her house. JANE DOE said GARCIA got back in the silver sedan and left the area driving north.

13). JANE DOE had redness to the right side of her face near her eye and said the pain level was at a 10 on a pain scale of 1-10 with 10 being the most painful. JANE DOE also had an abrasion to the inner right forearm and her clothes were dusty from falling to the ground.

14). The victim is Theresa ZUNI (09/02/1967) a Native American female and is an enrolled member of the Isleta Pueblo.

15). The suspect is EDWARD A. GARCIA (05/14/1966) a non-Indian male.

16). The location is within the exterior boundaries of Isleta Pueblo.

16). In view of the above facts, your affiant believes probable cause exists to arrest EDWARD A. GARCIA for the Assault by Striking, Beating or Wounding and Assault with a Dangerous Weapon in violation of Title 18, United States Code, Section 1152, 113(a)(3), & 113(a)(4).

Respectfully submitted,

Denise Billy

DENISE BILLY
Criminal Investigator
Pueblo of Isleta
Isleta, New Mexico

Subscribed and sworn
to before me this 7th day
of June 2017.

Karen Bmolze
UNITED STATES MAGISTRATE JUDGE